



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,506	08/14/2001	George Gerba	3063/43	8229
29858	7590	10/05/2005	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP			WILDER, PETER C	
900 THIRD AVENUE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	

2614

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/929,506	Applicant(s) GERBA ET AL.	
	Examiner Peter C. Wilder	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/30/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

61-

DETAILED ACTION

Oath/Declaration

The application is objected to on the basis that not all the inventors signed the oath. Inventor George Gerba still needs to sign the oath.

Specification

The disclosure is objected to because of the following informalities: In page 6 paragraph [0066] the word in quotes "up" should be down in order to match up with the change referenced between figures 9 and 10.

The disclosure is objected to because of the following informalities: On page 9 paragraph [0075] a reference to Fig. 10 is made when I think you mean Fig. 15.

Appropriate correction is required.

Claim Objections

Claim 16 is objected to because of the following informalities: The word "in" is typed twice in a row. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-12, 14-17, 20, 23, 25-27, 30, 31, 33, 36, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Reynolds et al. (U.S. 6799327 B1).

1. Regarding claim 1, Reynolds et al. teaches the displaying of advertising in an EPG on a display device (Column 2 lines 54-65, Column 4 lines 50-52), the program guide comprising at least a list of program cells each containing a program choice available for viewing (Figure 3), the method comprising:

scrolling the list of program cells on the display device (Column 4 lines 59-60) in a first direction in accordance with a first scrolling scheme ((Column 4 line 60), The first scrolling scheme being the “up” direction capability);

displaying an advertisement cell within the list of program cells (column 9 lines 1 – 5); and moving the advertisement cell in the first direction as the list of program cells scrolls(Column 9 lines 6-8), the advertisement cell moving in accordance with a second scheme different than the first scrolling scheme (Column 4, line 61, where the first scrolling scheme is the moving of the advertisement along with the program list by pressing the “up” arrow on the remote and then the second scheme is pressing the “down” arrow on the remote while the advertisement scrolls with the list).
2. Regarding claim 2, corresponding to claim 1, Reynolds et al. teaches the concept of controlling the second scheme from a location remote from the display device (Column 5 lines 11-20, the remote location in Reynolds is using a remote

control which has directional arrows on it and is separate from the EPG display device).

3. Regarding claim 3, corresponding to claim 1, Reynolds et al. teaches wherein moving the advertisement cell in accordance with a second scheme comprises scrolling the advertisement cell in concurrence with the scrolling of the program cell list during a first time portion, (Column 4 line 61, The first scrolling scheme using is the "up" direction.) in which the program cell list scrolls (Column 9 lines 6-8) and keeping the advertisement cell stationary during a second time portion in which the program cell list scrolls (Column 9 lines 8-10).
4. Regarding claim 5, corresponding to claim 4, Reynolds et al. teaches receiving the first number of program cells from a location remote from the display device (Column 4 lines 30-32 talks about distributing the program cell data; Figure 1 element 34 inside element 32 transmits to element 38 which then sends the data by way of element 46 to the set-top-box 48 connected to element 50 which connects to element 52 thus showing the program cell data comes from a remote location from the display device.
5. Regarding claim 6, corresponding to claim 3, Reynolds et al. teaches the first direction comprises a vertical scrolling direction on the display device

(Column 9 lines 7 – 10, and the vertical scrolling direction is taught in Column 4 lines 59-60).

6. Regarding claim 7, corresponding to claim 6, Reynolds et al. teaches wherein the program cell list contains a top cell and a bottom cell displayed on the display device, wherein keeping the advertisement cell stationary comprises keeping the advertisement cell stationary when the advertisement cell reaches the top or bottom cell of the program cell list. (The examiner notes that this functionality is inherent that the advertisement will stop or stick at the bottom or top of the guide. This will happen when the user decides to stop scrolling the guide placing the advertisement which is fixed in the grid as taught by Reynolds Column 9 lines 1-7 at the top or bottom of the grid).
7. Regarding claim 8, corresponding to claim 3, Reynolds et al. teaches wherein keeping the advertisement cell stationary comprises keeping the advertisement cell stationary during scrolling of a set number of program cells in the program cell list (Column 9 lines 9-11, The reference states the imbedded advertisement stays in one spot while the advertisements scroll by).
8. Regarding claim 9, corresponding to claim 1, Reynolds et al. teaches comprising inserting an advertisement into the advertisement cell which

advertisement is related to one or more program cells displayed in the program guide on the display screen (Column 3 lines 18-20 teaches that an advertisement can be related to the program guide; Column 9 lines 22-25 teaches replacing an advertisement with another advertisement in the program guide).

9. Regarding claim 10, corresponding to claim 9, Reynolds et al. teaches the comprising replacing the inserted advertisement in the advertisement cell with another advertisement when the program choices displayed in the program guide change due to scrolling of the program cells (Column 9 lines 22-25 teaches changing the advertisement in an embedded advertisement cell).
10. Regarding claim 11, corresponding to claim 1, Reynolds et al. teaches electronic program guide comprises program choices available for viewing at scheduled times, and wherein the program cells are arranged according to the scheduled times of the program choices (Figure 3, Column 4 lines 64-66).
11. Regarding claim 12, corresponding to claim 11, Reynolds et al. teaches the limitation of relating the advertisement inserted into the guide to the current program listings (Column 3 lines 18 – 27).
12. Regarding claim 14, corresponding to claim 1, Reynolds et al. teaches moving the advertisement cell in accordance with a second scheme comprises

scrolling the advertisement cell in concurrence with the scrolling of the program cell list during a first time portion in which the program cell list scrolls (Column 9 lines 6-8) and scrolling the advertisement cell during a second time portion in which the program cell list is stationary (Column 9 line 53-59, Figure 6). (In figure 6 the advertisements cells 162, 164, and 242 can scroll without causing the program cells 190 to move.)

13. Regarding claim 15, corresponding to claim 14, Reynolds et al. teaches displaying a highlight cell on the display device such that program and advertisement cells may enter the highlight cell (Column 9 lines 22-23), and wherein scrolling the advertisement cell during a second time portion comprises scrolling the advertisement cell when the advertisement cell is entered in the highlight cell (Column 9 lines 22-25; the examiner reads scrolling the advertisement as clicking the right arrow button).

14. Regarding claim 16, Reynolds et al. teaches a method for providing on a screen an interactive program guide including schedule data and advertising data (Figure 1 and Figure 3, Figure 1 teaches a television which is a screen is used to display the advertisements and in Figure 3 is an example of schedule data.),
the method comprising: arranging the schedule data into a grid containing rows and columns according to a listing of channels and starting times of programs that are broadcast via the channels such that a plurality of cells is

formed containing names of the programs (Figure 3, The figure contains a schedule grid with the channels listed on the right side and the starting times list across the top with Program1 or Program2 referring to the name of the show);

inserting the advertising data into a predetermined row of the grid to display on the screen (Column 9 lines 1-4, By looking at the figures referenced in the text, the advertisements are embedded in the program listings);

and scrolling the grid to display the listing of other channels and the starting times of other programs broadcast via the other channels (Column 4 lines 59-62, teaches the scrolling of channels up and down which would reveal other channels; Column 9 lines 17-19; This illustrates the simple concept that pressing the right arrow key the program guide listings will scroll across the starting times.),

wherein the scrolling of the schedule data in the grid is at least partially independent of the scrolling of the advertising data in the grid (Column 9 lines 8-10) (The programs listings scrolling past embedded regions of advertising showing the independence of the schedule data and advertising data).

15. Regarding claim 17, corresponding to claim 16, Reynolds et al. teaches advertising data remains in the predetermined row of the grid while the schedule data is scrolled on the screen (Column 9 lines 8-10).

16. Regarding claim 20, corresponding to claim 16, Reynolds et al. teaches advertising data is arranged into cells such that at least one advertising cell is displayed in the predetermined row of the grid (Column 9 lines 11-12).

17. Regarding claim 23, corresponding to claim 20, Reynolds et al. teaches all wherein the advertising cell contains an advertisement related to the channels in the grid which are in substantial proximity to the predetermined row containing the advertising data displayed on the screen (Figure 5 element 62 is in substantial proximity to cell 142 and advertisements can be displayed in these panels Column 6 lines 43-44; and these advertisements can contain information related to the program guide Column 3 lines 19-20).

18. Regarding claim 25, corresponding to claim 16, Reynolds et al. teaches the schedule data and advertising data are scrolled in a direction parallel to the rows or columns of the grid. (The examiner notes that this functionality is inherent because to be able to scroll the schedule guide data one would have to scroll parallel to the rows or the columns of the grid. Reynolds et al. teaches that the advertisements can scroll along in the schedule guide, (Column 9 lines 6-8) so that means one can scroll them up and down, and also scrolling the advertisement data to the right or left parallel to the starting times (Column 9 lines 17-22). This means that the advertisements are continuous along the row

so pressing the left or right arrow key will mean an advertisement will always be there.)

19. Regarding claim 26, corresponding to claim 16, Reynolds et al teaches wherein the predetermined row containing the advertising data in the grid is located substantially in a center of the screen (Cell 142 in Figure 5 is substantially close to the center of the grid).
20. Regarding claim 27, corresponding to claim 16, Reynolds et al teaches highlighting the advertising cell on the screen such that a more detailed description of an advertisement contained in the highlighted advertising cell is displayed on a portion of the screen (Column 10 lines 31-34 along with Figure 8 teach selecting a program to obtain more information about an advertisement).
21. Regarding claim 30, corresponding to claim 16, Reynolds et al. teaches comprising highlighting and selecting the advertising cell such that an information page is displayed on the screen for a program or service that pertains to an advertisement contained in the selected cell (Column 9 lines 11-14).
22. Regarding claim 31, Reynolds et al. teaches a user interface for an interactive program guide displayable on a display device (Column 2 lines 54-65, Column 4 lines 50-52),

comprising: a listing of program choices arranged in at least one row or column on a display device (Figure 3), (The figure contains a schedule grid with the channels listed on the right side and the starting times list across the top with Program1 or Program2 referring to the name of the show);

the listing being navigated by a user through scrolling in accordance with a first scrolling scheme (Column 4 lines 59-60);

and an advertisement cell contained within the program listing column or row (Column 9 lines 1-4),

the advertisement cell being configured to move on the display device in accordance with a second scrolling scheme, the second scrolling scheme being different than the first scrolling scheme (Column 4 lines 61).

23. . Regarding claim 33, Reynolds et al. teaches a user interface for an interactive program guide displayable on a display device (Column 2 lines 54-65, Column 4 lines 50-52),

comprising: a set of first program cells arranged in at least one row or column on a display device (Figure 3, The figure contains a schedule grid with the channels listed on the right side and the starting times list across the top with Program1 or Program2 referring to the name of the show)

the set being navigated by a user through scrolling in accordance with a first scrolling scheme (Column 4 lines 59-60, the first scrolling scheme being the scrolling of the program guide by pressing the "up" arrow.);

and at least one second program cell arranged within the column or row (Figure 3, In figure 3 the row CH 2 contains Program1 and Program2, which split the column in two.) ,

the second program cell being configured to move on the display device in accordance with a second scrolling scheme, the second scrolling scheme being different than the first scrolling scheme (Column 4 lines 60-61, the second scrolling scheme being the scrollin of the program guide by pressing the “down” arrow).

24. Regarding claim 36, Reynolds et al. teaches an interactive program guide displayable on a display device (Column 2 lines 54-65, Column 4 lines 50-52),

comprising: a plurality of program cells arranged in at least one row or column on a display device (Figure 3, The figure shows a sample EPG in the form of a grid),

the program cells being movable on a display device in response to user input (Column 4 lines 59-63, The user input if the scrolling of the program guide);

and an advertisement cell contained within the program cell column or row (Column 9 lines 1-4),

the advertisement cell being configured to move on the display device in response to user input (Column 9 lines 4-8, The advertisement is scrolling because the user is scrolling the program guide);

wherein during a first time the program cells and advertisement cell move in concurrent fashion and during a second time the program cells or advertisement cell remain stationary on the display device during movement of advertisement cell or program cells, respectively. (Column 9 lines 1-10, In the paragraph Reynolds et al. talks about moving the advertisement along with the scrolling of the program guide and then says the advertisement can remain stationary.)

25. Regarding claim 37, Reynolds et al. teaches a user interface for an interactive program guide displayable on a display device (Column 2 lines 54-65, Column 4 lines 50-52), comprising:

a plurality of program cells arranged in at least one row or column on a display device (Figure 3, The figure shows a sample EPG in the form of a grid), the program cells being movable on the display device in response to user input (Column 4 lines 59-63);

and an advertisement cell contained within the program cell column or row (Column 9 lines 4-8, If you look at the figure you can see the imbedded advertisement in the program cells),

the advertisement cell being configured to move on the display device in response to user input and being controlled in part based on parameters addressed from a location remote from the display device (Column 4 lines 59-63,

The remote location referenced here is a remote control which is not attached to the television which is displaying the EPG).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 18, 21, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Klosterman et al. (U.S. 6469753 B1).

26. Regarding claim 13 Reynolds et al. teaches all of the limitations in claim 12, as well as the concept of putting an advertisement into the guide (Column 9 lines 1 –10), but fails to teach inserting the advertisement comprises inserting the advertisement related to a program choice available for viewing at a time which is past the scheduled times of program choices displayed on the display screen.

Klosterman teaches wherein inserting the advertisement comprises inserting the advertisement related to a program choice available for viewing at a time which is past the scheduled times of program choices displayed on the

display screen. (Figure 5a shows an advertisement for the movie "Backdraft" to air on November 4th and the date on the schedule guide is October 30. I am viewing the phrase "past the scheduled times" to mean in the future.)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify placing of an advertisement in the EPG function/device of Reynolds et al. using the advertisement related to a program past the current time program function/device of Klosterman et al. for the purpose of providing other information in addition to television program schedule information would be very convenient for the busy viewer (Column 1 lines 36-39 Klosterman).

27. Regarding claim 21, Reynolds et al. teaches all the limitations in claim 20, as well as putting an advertisement into the guide (Column 9 lines 1-10), but fails to teach wherein the advertising cell contains an advertisement related to the starting time of one or more programs displayed on the screen.

Klosterman et al. teaches wherein the advertising cell contains an advertisement related to the starting time of one or more programs displayed on the screen ((Figure 4(a), This can be seen in figure 4(a) with the advertisement for dateline and the show dateline being displayed down in the channel listings; In (Column 8 lines 10-15) Klosterman et al. teaches the idea of displaying an advertisement for a show that could be starting shortly.).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the placing of and advertisement placed in an EPG function/device of Reynolds et al. using the advertisement to related program function/device of Klosterman et al. for he purposes that this would help make advertisements much more effective because the user can see the show in the grid making it more likely that he or she will decide to watch the program (Column 8, lines 16-17, Klosterman).

28. Regarding claim 32, Reynolds et al. teaches all of the limitations in claim 31 as well as, comprising a list of service identifiers displayed in association with the program choices in the program choice listings (In Figure 3 "CH 2" is a is a service identifier because it identifies the channel the program is on) and an advertisement identifier contained in the list of service identifiers and displayed in association with the advertisement cell.

Klosterman teaches comprising a list of service identifiers displayed in association with the program choices in the program choice listings and an advertisement identifier contained in the list of service identifiers and displayed in association with the advertisement cell (Figure 4a The NBC peacock logo is displayed in the advertisement for the show in region 220).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG with imbedded advertisements function/device of Reynolds et al. using the service identifiers

function/device of Klosterman for the purpose of being able to be useful for the user because then they could get more information about the product or service (Column 6 lines 2-5 Klosterman).

Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Schein et al. (U.S. 6388714 B1).

29. Regarding claim 22, Reynolds et al. teaches all the limitations in claim 21 as well as, the concept of putting an advertisement into the guide (Column 9 lines 1 –10), and changing the advertisement while scrolling to the left or right in the advertisement row in the grid (Column 9 lines 17-22), but fails to teach the advertising cell displayed in the predetermined row of the grid is replaced by another advertising cell if the schedule data in the grid is scrolled in a direction parallel to the starting times to display a starting time of another program that is related to an advertisement contained in said another advertising cell.

Schein et al. teaches wherein the advertising cell displayed in the predetermined row of the grid is replaced by another advertising cell if the schedule data in the grid is scrolled in a direction parallel to the starting times to display a starting time of another program that is related to an advertisement contained in said another advertising cell (Column 18 lines 12 – 18; The interactional relationship means that when the guide is scrolled in a direction

parallel to the starting times then the element 728 of figure 12a will display an ad representing a program currently displayed in the grid and when it is scrolled off the screen element 728 will display a new advertisement related to a show currently displayed in the grid)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG with advertisements imbedded in it function/device of Reynolds et al. using the dynamic advertisement relationship selection function/device of Schein et al. for the purpose of providing a ready and efficient method to facilitate an exchange of information between television viewers and producers, promoters and advertisers during the broadcast of the commercial or program (Column 2 lines 13-17 of Schein).

30. Regarding claim 24, Reynolds et al teaches all of the limitations in claim 23 as well as, the concept of putting an advertisement into the guide (Column 9 lines 1-10), but fails to teach the advertising cell displayed in the predetermined row of the grid is replaced by another advertising cell if the schedule data in the grid is scrolled in a direction parallel to the listing of channels in order to display the listing of other channels such that an advertisement contained in said another advertising cell is related to said other channels.

Schein teaches the advertising cell displayed in the predetermined row of the grid is replaced by another advertising cell if the schedule data in the grid is

scrolled in a direction parallel to the listing of channels in order to display the listing of other channels such that an advertisement contained in said another advertising cell is related to said other channels (Column 18 lines 12-18, The interactional relationship means that when the guide is scrolled in a direction parallel to the channel listing then the element 728 of figure 12a will display an ad representing a program currently displayed in the grid and when it is scrolled off the screen element 728 will display a new advertisement related to a show currently displayed in the grid).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG with imbedded advertisements function/device of Reynolds et al. using the function/device using the dynamic changing advertisement function/device of Schein for the purpose of providing a ready and efficient method to facilitate an exchange of information between television viewers and producers, promoters and advertisers during the broadcast of the commercial or program (Column 2 lines 13-17 Schein).

Claims 18, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of Alexander et al. (U.S. 6177931 B1).

31. Regarding claim 18, Reynolds et al. teaches all the limitations in claim 16 as well as, changing the advertisements (Column 7 lines 7-10), but fails to teach a method wherein the advertising data is replaced by other advertising data after a predetermined number of channels in the schedule data has been scrolled off the screen.

Alexander et al. teaches a method wherein the advertising data is replaced by other advertising data after a predetermined number of channels in the schedule data has been scrolled off the screen (Column 20 lines 54-67 and Column 21 lines 1-15 teaches a set number of channels displayed on the screen 9 in this example. If the user is scrolling down the list from channel 1 to channel 8 and then scrolls to channel 9 a new advertisement will appear in the panel ad area. When 9 channels cycle of the screen a new advertisement appears in the panel ad area).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the highlight window function/device of Reynolds et al. using the advertisement rotation function/device of Alexander for the purpose of helping make advertisements much more useful for the user (Column 2, line 11-12 Alexander).

32. Regarding claim 28, Reynolds et al teaches all of the limitations in claim 16 as well as, the concept of putting an advertisement into the guide and being able to highlight them (Column 9 lines 1-13), but fails to teach comprising

highlighting and selecting the advertising cell on the screen such that a channel program is displayed on the screen if an advertisement contained in the selected cell is for the channel program in progress or for the channel program scheduled for broadcast within a predetermined time period.

Alexander teaches comprising highlighting and selecting the advertising cell on the screen such that a channel program is displayed on the screen if an advertisement contained in the selected cell is for the channel program in progress or for the channel program scheduled for broadcast within a predetermined time period. (Column 23 lines 48-52).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the highlight window function/device of Reynolds et al. using the highlight direct link function/device of Alexander for the purpose of helping make advertisements much more useful for the user (Column 2, line 11-12 Alexander).

33. Regarding claim 29, Reynolds et al teaches all of the limitations in claim 16 as well as, the concept of putting an advertisement into the guide, (Column 9 rows 1-10) and being able to highlight them in (Column 9 lines 14-15), but fails to teach comprising highlighting and selecting the advertising cell on the screen such that a channel program is tagged for later viewing if an advertisement contained in the selected cell is for the channel program scheduled for broadcast at future time

Alexander teaches the comprising highlighting and selecting the advertising cell on the screen such that a channel program is tagged for later viewing if an advertisement contained in the selected cell is for the channel program scheduled for broadcast at future time (Column 23 lines 55-57).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the EPG with imbedded advertisements function/device of Reynolds et al. using the advertisement tagging function/device of Alexander for the purpose of creating better interaction capabilities of the EPG (Column 2 line 15 Alexander).

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. (U.S. 6799327 B1) in view of LaJoie et al. (U.S. 6772433 B1).

34. Regarding claim 34, Reynolds et al. teaches all of the limitations in claim 31 as well as, the concept of putting an advertisement into the guide (Column 9 rows 1-10), but fails to teach a stationary highlight cell positioned over a portion of the column or row of program cells, wherein scrolling of the column or row causes one of the cells to enter the highlight cell, the stationary highlight cell being operative to allow user selection of a program cell entered in the highlight cell.

LaJoie et al. teaches a stationary highlight cell positioned over a portion of the column or row of program cells, wherein scrolling of the column or row causes one of the cells to enter the highlight cell (Column 24 lines 66-67 and Column 25 lines 1-29 and Figure 16), the stationary highlight cell being operative to allow user selection of a program cell entered in the highlight cell (Column 26 lines 30-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify highlighting and different cell size the function/device of Reynolds et al. using the program selection and stationary highlight function/device of LaJoie for the purpose of enabling a subscriber to more easily navigate through the abundance of programming and services that are available in the preferred embodiments of the present invention (Column 5 lines 11-14 of LaJoie).

35. Regarding claim 35, Reynolds teaches all of the limitations in claim 34 as well as, the concept of highlighting a program cell in the display grid (Column 23 line 48), and having different size program cells (Figure 1, The PBS Program On Golden Pond is bigger than the AMC program Remember), but fails to teach that at least one second program cell is larger than the first program cells, and wherein the stationary highlight cell expands to accommodate the second program cell when the second program cell enters the highlight cell.

LaJoie teaches that at least one second program cell is larger than the first program cells, and wherein the stationary highlight cell expands to accommodate the second program cell when the second program cell enters the highlight cell (Column 24 lines 66-67 and Column 25 lines 1-29 and Figure 16).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify highlighting and different cell size the function/device of Reynolds et al. using the different size cells and stationary highlight function/device of LaJoie for the purpose of enabling a subscriber to more easily navigate through the abundance of programming and services that are available in the preferred embodiments of the present invention (Column 5 lines 11-14 of LaJoie).

Allowable Subject Matter

36. Claim 4 is objected to as being dependent upon a rejected base claim 1 and 3, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
37. Claim 19 is objected to as being dependent upon a rejected base claim 16, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Salce
Art Unit 2611
Jason Salce
9/30/15